


UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin 

Milwaukee Division

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED *ong.*
2019 JUN -7 A 10:29

Timothy L. Hoeller, M.S., Adjunct Faculty, Pro-Se

Case No.

19-C-0850

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Carroll University, Waukesha, Wisconsin

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Timothy L. Hoeller, M.S., Adjunct Faculty Pro-Se
Street Address	8735 N. 72nd St., Unit 101
City and County	Milwaukee, Milwaukee County
State and Zip Code	Wisconsin 53223
Telephone Number	414-30-9740
E-mail Address	CHOOSE NOT TO DISCLOSE

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Catherine Jorgens, J.D.

Job or Title *(if known)* Carroll University General Counsel

Street Address 100 N. East Avenue

City and County Waukesha, Waukesha County

State and Zip Code Wisconsin 53223

Telephone Number 262-257-1211

E-mail Address *(if known)*

Defendant No. 2

Name Cindy Gnadinger, Ph.D. and previous president Douglas Hastad

Job or Title *(if known)* President

Street Address 100 N. East Ave

City and County Waukesha, Waukesha County

State and Zip Code Waukesha 53186

Telephone Number 262-257-1211

E-mail Address *(if known)*

Defendant No. 3

Name Un-named secretary in Provost's Office

Job or Title *(if known)* Secretary or Administrator

Street Address 100 N. East Ave

City and County Waukesha, Waukesha County

State and Zip Code Wisconsin 53186

Telephone Number 262-257-1211

E-mail Address *(if known)*

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Carroll University, inc
Street Address	100 N. East Ave
City and County	Waukesha, Waukesha County
State and Zip Code	Wisconsin 53186
Telephone Number	262-257-1211

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☒ Other federal law *(specify the federal law)*:

Privacy implied First, Third, Fourth, Fifth, Ninth Amendments per Griswold vs Conn

☒ Relevant state law *(specify, if known)*:

Wisconsin Fair Employment Act, Wisconsin Privacy Rights Act

☐ Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☒ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts *(specify)*: Intentional Tort / abuse of court process and trade secret violation

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

April 25, 2017, January 22, 2018, February 2, 2018, January 29, 2019

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☒ disability or perceived disability *(specify disability)*
bipolar disorder _____

E. The facts of my case are as follows. Attach additional pages if needed.

In January 2017, I was hired under 2 contracts as an Adjunct Faculty teaching 4 credit hours of Physics until I was released on April 25, 2017 several class periods before the end of one class and on the last day of the other. At my dismissal, the department Chair mentioned that "they had their own people" to teach implying I was different. Discrimination is based on on-line information and abuse of power by employment law attorneys, fixing Carroll's response due to a prior employment discrimination in my name found on the internet. If I had known that I had performance problems under a criteria that I impart a so-called positive experience on students, then I would have asked for an accommodation. About 25 words on emails comprised supervisor correspondence. Upon re-application to teach in January 2018, a Harassment Cause in Waukesha Court was filed against me for following up with my application and associated with a misdemeanor charge. At that time, I was considered a terminated employee and no time before was I ever told of this. The news has published this which remains on-line

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

On July 20, 2019 the EEOC received a hand-written complaint from me via U.S. Mail. By February 21, 2019 a typed complaint was sent from the EEOC and on February 25, 2019, the revised complaint form was signe-off.

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) March 3, 2019

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The relief sought is discovery by Defendant Carroll University so that they can determine their position with respect to abuse of court process, release of trade secrets [i.e. privileged information] with defamation of the character of the Plaintiff, supposed performance problems, and existence or not of a teacher evaluation process with wrongful termination. Such discovery would help to pin-point the discrimination and intentional tortious actions of Carroll University towards a possible settlement in which for compensatory damages an amount of \$80,000 or the equivalent in offers is demanded. For putative damages, equitable relief is requested at a rate of \$350 per hour plus office costs to seal documents and remove debasing on-line information about the Plaintiff from prior court action between the parties in Waukesha County Courthouse

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: June 5, 2019

Signature of Plaintiff

Printed Name of Plaintiff


Timothy L. Hoeller

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address